

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

ANGELA SAVAGE-VASSER,	)	
	)	
Plaintiff,	)	
	)	Case No.
v.	)	
	)	Removed from the Circuit Court of Jackson
UBER TECHNOLOGIES, INC.,	)	County, Missouri, at Independence, Case
and,	)	No. 2116-CV24280
JOSETTE PINO,	)	
	)	<b>JURY TRIAL DEMANDED</b>
Defendants.	)	

**NOTICE OF REMOVAL**

COMES NOW Defendant Josette Pino (“Defendant Pino”), by and through the undersigned counsel, Baker Sterchi Cowden & Rice LLC, and with full reservation of all defenses, objections, and exceptions, including but not limited to service, jurisdiction, venue, and statute of limitations, removes the above-captioned matter from the Circuit Court of Jackson County, Missouri, to the United States District Court for the Western District of Missouri, Western Division, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446. In support thereof, Defendant states the following:

**I. THE PROCEDURAL REQUIREMENTS FOR REMOVAL ARE SATISFIED**

1. Plaintiff Angela Savage-Vasser (“Plaintiff”) filed this lawsuit against Defendant Pino and Defendant Uber Technologies, Inc. in the Circuit Court of Jackson County, Missouri on or about November 4, 2021, alleging claims for personal injury as a result of a motor vehicle accident that occurred on or about October 15, 2019, in Jackson County, Missouri. The Petition is included within **Exhibit A**.

2. Counsel for Defendant Pino agree to accept service of the Petition on behalf of Defendant Pino, for purposes of this case only, on April 19, 2022.

3. As required by 28 U.S.C. § 1446(a), a complete copy of all records and proceedings from the Circuit Court of Jackson County, Missouri, including a copy of all process, pleadings, and orders served upon Defendant Pino, are attached as **Exhibit A**.

4. This Notice of Removal is properly directed to this Court pursuant to 28 U.S.C. § 1446(a) as it is the United States District Court, Western Division, embracing the Circuit Court of Jackson County, Missouri, where Plaintiff's Petition is currently pending. *See* 28 U.S.C. § 96.

5. This action is not an action described in 28 U.S.C. § 1445.

6. Without waiving any objection to service, this Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b)(3), because the same has been filed within thirty (30) days of Defendant Pino being properly served with the Petition and Summons.

7. Pursuant to 28 U.S.C. § 1446(d), Defendant Pino has and/or will file written notice of this removal with the Clerk of the Circuit Court of Jackson County, Missouri on the same date this Notice of Removal is filed, where Plaintiff's Petition is currently pending.

8. A copy of this Notice of Removal and the written notice of the same have been served upon Plaintiff.

## **II. VENUE AND JURISDICTION**

9. Venue is proper in this Court inasmuch as the above-described action is one that may be removed by Defendant pursuant to 28 U.S.C. § 1441(a), which provides in pertinent part that "any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant . . . to the district court of the United States for the district and division embracing the place where such action is pending." The Circuit Court

of Jackson County, Missouri, where the case is currently pending, is a state court within the Western District of Missouri. Indeed, removal is proper under 28 U.S.C. § 1441 where this Court has original subject-matter jurisdiction over an action.

10. This Court has original subject-matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1) because of the parties' complete diversity of citizenship, because the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and because all other requirements for removal have been satisfied.

### **III. COMPLETE DIVERSITY OF CITIZENSHIP EXISTS**

11. Upon information and belief, Plaintiff is alleged as a citizen of the State of Missouri. *See Petition, ¶ 1, Exhibit A.* Plaintiff is, therefore, a citizen of Missouri for purposes of diversity jurisdiction. *See, e.g., Yeldell v. Tutt, 913 F.2d 533, 537 (8th Cir. 1990)* (citation omitted) ("For purposes of diversity jurisdiction, the terms 'domicile' and 'citizenship' are synonymous.").

12. Defendant Uber Technologies is a foreign company, but, based on information and belief, is not a citizen of Missouri for purposes of diversity of jurisdiction. *See Petition, ¶ 2, Answer of Uber, ¶ 2, both contained within Exhibit A.*

13. Defendant Pino is alleged as, and is, a citizen of the State of Kansas. *See Petition, ¶ 4, Exhibit A.* Defendant Pino is, therefore, a citizen of Kansas for purposes of diversity jurisdiction. *See, e.g., Yeldell v. Tutt, 913 F.2d 533, 537 (8th Cir. 1990)* (citation omitted) ("For purposes of diversity jurisdiction, the terms 'domicile' and 'citizenship' are synonymous.").

14. Counsel for Defendant Uber Technologies has consented to removal to federal court – based on information and belief, it was served with the Petition on or about November 17, 2021 and filed its answer on March 31, 2022 pursuant to an agreement with Plaintiff's counsel. *See 28 U.S.C. § 1446(b)(2)(A).*

#### **IV. THE AMOUNT IN CONTROVERSY IS SATISFIED AND EXCEEDS \$75,000**

15. “[A] defendant’s notice of removal need include only a plausible allegation that the amount in controversy exceeds the jurisdictional threshold.” *Dart Cherokee Basin Operating Co., LLC v. Owens*, 135 S. Ct. 547, 554 (2014).

16. To meet its burden of proof, a defendant seeking removal must present specific facts or evidence, which may include “an extensive list of serious and disabling injuries suffered by the plaintiff.” *Miller v. CEVA Logistics*, 2008 U.S. Dist. LEXIS 2116, \*3 (W.D. Mo. 2008).

17. Diversity of citizenship is present inasmuch as Plaintiff is alleged as a resident of Missouri and Defendants are residents of different jurisdictions (See Petition, ¶¶ 1, 2, 4 within **Exhibit A**).

18. As to the amount in controversy, Plaintiff does not provide the specific amount in controversy that she is seeking. However, she does plead that she is seeking the jurisdictional minimum in “an amount in excess of Twenty-Five Thousand Dollar (\$25,000),” “reasonable attorney’s fees,” and “interest and penalties.” See Petition, **Exhibit A**. In addition, Plaintiff alleges that she sustained “serious and painful injuries” that caused her to sustain medical expenses to date and “may require future medical treatment during her lifetime,” along with sustaining (and in the future sustaining) “pain, suffering, mental trauma, mental anguish, and loss of enjoyment of life” and a past and present loss of income and earning capacity. See Petition, **Exhibit A**.

19. As such, Plaintiff’s Petition makes clear that based on the amount and type of damages that she is claiming to have incurred as a result of the underlying motor vehicle accident, it is plausible that Plaintiff is seeking damages from Defendants in an amount in excess of \$75,000.00, exclusive of interest and costs.

20. As such, diversity of citizenship and the amount of controversy requirements have been met for a proper removal to this Court on the basis of diversity jurisdiction. 28 U.S.C. § 1446(c),

Defendant Pino reserves the right to amend or supplement this Notice of Removal or to present additional arguments in support of her entitlement to remove this case. By filing this Notice of Removal, Defendant Pino does not waive any defense that may be available to her and specifically reserves all such defenses.

WHEREFORE, for the foregoing reasons, Defendant Josette Pino, removes this action from the Circuit Court of Jackson County, Missouri, to this Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Dated: May 19, 2022

BAKER STERCHI COWDEN & RICE LLC

By:



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*Attorneys for Defendant Josette Pino*

## **CERTIFICATE OF SERVICE**

I hereby certify that on the 19<sup>th</sup> day of May, 2022, the foregoing was filed electronically using this Court's CM/ECF filing system, which sent notification of such filing to all counsel of record and that copies of the same were also sent via U.S. Mail to all counsel of record, postage prepaid, below identified.

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### *Attorneys for Defendant Uber Technologies, Inc*

The undersigned hereby verifies that an original of this filing was executed by counsel and that the same shall be maintained for a period of not less than the maximum allowable time to complete the appellate process.

A handwritten signature in black ink, appearing to read "Mark E. Parrish", is placed over a horizontal line.